

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

KIMBERLY SNEAD,

Plaintiff,

VS.

NATIONWIDE PROPERTY AND CASUALTY
INSURANCE COMPANY,

Defendant.

No. 1:08-cv-1064
JURY DEMANDED

MOTION FOR SUMMARY JUDGMENT

Comes now Defendant Nationwide Mutual Fire Insurance Company (hereinafter "**Defendant**"), by and through counsel pursuant to Fed. R. Civ. P. 56, and moves this Court for an order granting summary judgment in favor of the Defendant. In support of its Motion for Summary Judgment, the Defendant would show unto this Court that the Plaintiff misrepresented the existence of a central heating and air system at the property in question on the application for insurance. In addition, the Defendant would show that the Plaintiff misrepresented the existence of a prior loss at the property within the prior three years on the application for insurance. As further support for his motion, the Defendant relies upon the Memorandum of Law and Statement of Undisputed Material Facts filed contemporaneously herewith.

WHEREFORE, there being no genuine issue of material fact as to the Defendant's defense of misrepresentation in the application, summary judgment is appropriate in favor of the Defendant as to any and all claims by the Plaintiff in this matter.

Respectfully submitted,

RAINEY, KIZER, REVIERE & BELL, P.L.C.

s/ W. Paul Whitt

Russell E. Reviere (07166)

W. Paul Whitt (24793)

Attorney for Defendant

209 East Main Street

P. O. Box 1147

Jackson, TN 38302-1147

(731) 423-2414

pwhitt@raineykizer.com

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of this pleading or document was served upon Michael U. King, Attorney at Law, P.O. Box 667, Huntingdon, Tennessee 38344, by electronic means via the Court's electronic filing system.

This the 27th day of October, 2008.

s/ W. Paul Whitt